IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE ELEVENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 4302 of 1998

Between:

Dr.P.S.Ranga Reddy S/o.P.R.Reddy, age: 48 years,

Medical Officer, The Chittoor Co-operative Sugars Ltd.,

Chittoor, R/o.Chittoor.

.... PETITIONER

AND

The Chittoor Co-operative Sugars Limited, Chittoor,

Chittoor District, rep.by its Managing Director

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction, particularly one in the nature of writ of mandamus declaring that the petitioner is entitled to 15% of his basic salary as non-practicing allowance pursuant to the orders passed by the Person-in-charge who has superseded the Board and acting on behalf of the Board and that the action of the respondent in issuing Endorsement No.REF:CCS:ESTT:OM:P1018:98, dated 12.2.1998 purporting to reject his representation basing on the directions issued by the Government and the Commissioner of Sugars as long back as in 1993 is illegal, arbitrary and without jurisdiction.

Counsel for the Petitioner: MR.M.PANDURANGA RAO

Counsel for the Respondent : G.P.FOR INDUSTRIES.

The Court made the following :

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ORAL ORDER:

Learned counsel for the petitioner, Sri M. Pandu Ranga Rao, fairly concedes that the matter in this writ petition has already been covered by the judgment of the Supreme Court, wherein it was held that the medical officers are not entitled to claim non-practicing allowance as a matter of right, and it is purely the discretion of the Government. Under the above circumstances, the writ petition is liable to be dismissed.

Writ petition is accordingly dismissed. No costs.

11th November, 2004.

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To

1. The Managing Director,

   The Chittoor Co-operative Sugars Limited,

   Chittoor, Chittoor District.

2. Two C.Cs to the Govt.Pleader for Indistries,

   High Court buildings, Hyderabad (OUT).

3. Two C.D.copies